REMARKS

Claims 1-5 are pending in this application. By this amendment, the specification is amended for informalities. No new matter is added. In view of at least the following, reconsideration and allowance are respectfully requested.

I. Objections to the Specification

The Office Action objects to the length of the abstract. This object is respectfully traversed.

By this amendment, the abstract has been amended to have no more than 150 words.

Accordingly, withdrawal of the objection is respectfully requested.

II. Claim Rejections under 35 U.S.C. §103

The Office Action Claims 1-5 are rejected under 35 U.S.C. §103(a) over JP 2002-159893 (Tetsuo). This rejection is respectfully traversed.

Independent claim 1 recites: "[a] foamer dispenser ... wherein said <u>mesh has an opening diameter $\phi2$ which is 2.0 to 3.5 times as large as an opening diameter $\phi1$ at the inlet opening of said jet ring</u>" (emphasis added).

The Office Action asserts that Tetsuo teaches each and every element of independent claim 1. Applicants respectfully submit that Tetsuo does not disclose a mesh with an opening diameter $\phi2$, which is 2.0 to 3.5 times as large as an opening diameter $\phi1$ at the inlet opening of said jet ring.

Tetsuo discloses a foamer dispenser, which differs from the presently claimed combination of features in that it fails to disclose a mesh having an opening diameter $\phi2$, which is 2.0 to 3.5 times as large as an opening diameter $\phi1$ at the inlet opening of the jet ring. Applicants respectfully submit that it would not be obvious to derive the specified

numerical range of the diameter ratio $\phi2/\phi1$ between the opening diameter $\phi2$ of the mesh and the opening diameter $\phi1$ at the inlet opening.

The presently claimed features provide a foamer dispenser capable of ejecting fine and homogeneous foam. Thorough experimental investigations conducted by the Inventors resulted in novel and unexpected results. The results showed that the diameter ratio $\phi2/\phi1$ of the jet ring plays a crucial role in ejecting fine and homogeneous foams. In particular, Applicants determined that there is criticality in the diameter ratio $\phi2/\phi1$ when in a ratio range from 2.0 to 3.5. Applicants respectfully submit that such ratios helped achieve the stated objective, and that this was achieved for the first time in the relevant industry.

Generally, it would be very difficult, if not impossible, to quantitatively evaluate the fineness and/or homogeneity of the foams. Applicants are not in possession of any prior data showing the effectiveness of the claimed numerical range. The references do not render obvious, teach or even suggest that a ratio of the jet ring in the claimed numerical range would yield such desirable results, thus the results are unexpected.

The numerical range of the diameter ratio $\phi2/\phi1$ from 2.0 to 3.5, as specifically recited in claim 1, is based on the results of sensory tests conducted by the Inventors, who are vastly experienced specialists in the field of foamer dispensers. Further, Applicants submit that if the diameter ratio $\phi2/\phi1$ is lower than 2.0 or higher than 3.5, there arises a noticeable tendency that fine and homogeneous foams are not obtained.

The Office Action asserts that it would have been obvious to a skilled person to have manufactured the foamer dispenser of Tetsuo with the specified ratio of the diameter of the mesh opening to the diameter of the inlet opening. However, to achieve a foamer dispenser capable of ejecting fine and homogeneous foams, a person of ordinary skill in the art would not be taught by Tetsuo to find an ideal ratio as presently claimed. For example, the

disclosure in paragraph [0035] of Tetsuo merely refers to the possibility of differentiation in mesh size, it does not however refer to the potential advantages of such variations, nor does it suggest its use in relation to determining an ideal ratio range of a mesh opening diameter to an inlet opening diameter. Thus, one of ordinary skill in the art would merely look to varying mesh sizes, and would not look to a ratio of the opening diameter $\phi 2$ of the mesh to the opening diameter $\phi 1$ at the inlet opening as yielding superior results.

Applicants respectfully submit that Applicants are the first to find that the diameter ratio $\phi 2/\phi 1$ of the jet ring plays a crucial role in controlling the quality of foam. In the absence of any hindsight, a skilled person would not have looked for an optimum numerical range of the jet ring diameter ratio $\phi 2/\phi 1$, as presently claimed.

Claims 2-5 variously depend from claim 1. Because the applied references fail to anticipate or render obvious the features recited in independent claim 1, dependent claims 2-5 are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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JAO:SZS/amt

Attachment:
    Substitute Abstract

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